**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7708 OF 2005

Ramchandra Balasaheb Rajeshirke
and Others .. Petitioners.
Vs.
Mohiddin Abbas Adarekar & Ors. .. Respondents.

Mr.H.S.Venegaonkar for the petitioners.
Mr.S.S.Shah for respondent no.4.
Mr.V.S.Gokhale AGP for the respondent-State.

**CORAM : D.B.BHOSALE, J.**

**DATED : 10TH OCTOBER, 2006**

P.C.:

. Heard learned counsel for the petitioner and respondent no.4 and learned A.G.P. for the respondent-State. None for the other respondents though served.

2. The petitioner in the present writ petition has impugned the following order:

> . "Heard Adv.Bhosale. The lower court has dismissed the suit. Hence there is no positive order which can be stayed. Hence, the application is filed."

3. I perused the application on which the aforesaid order has been passed. In my opinion, the order is just and proper and does not suffer from any infirmity warranting interference by this court under

Article 227 of the Constitution of India. However, looking to the overall facts and circumstances of the case the appeal court shall endeavour to decide the civil appeal no.10 of 2005 as expeditiously as possible and preferrably on or before 28th February, 2007 on merits in accordance with law.

. With these observations the writ petition is disposed of.

**(D.B.Bhosale, J.)**